

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION

UNITED STATES, *et al.*,

*Plaintiffs,*

vs.

GOOGLE LLC,

*Defendant.*

No. 1:23-cv-00108-LMB-JFA

**DECLARATION OF BRYON BECKER  
IN SUPPORT OF GOOGLE LLC'S  
OPPOSITIONS TO PLAINTIFFS' MOTIONS TO EXCLUDE**

I, Bryon P. Becker, hereby declare as follows:

1. I am an associate with the law firm Paul, Weiss, Rifkind, Wharton & Garrison LLP, counsel for Defendant Google LLC ("Google") in this action. I respectfully submit this declaration in support of Google's Memorandum of Law in Opposition to Plaintiffs' Motion to Exclude Expert Testimony of Anthony Ferrante and Google's Memorandum of Law in Opposition to Plaintiffs' Motion to Exclude Opinions of Itamar Simonson and Related Opinions of Mark Israel.

2. This declaration is based upon my personal knowledge and my review of relevant documents in this case, and I am competent to testify to the matters stated herein.

3. Attached to this declaration as Exhibit 100 is a true and correct copy of excerpts from the transcript of the deposition of Wayne D. Hoyer, expert witness on behalf of Plaintiffs in this case, taken on March 4, 2024.

4. Attached to this declaration as Exhibit 101 is a true and correct copy of excerpts from the Expert Report of Anthony J. Ferrante on behalf of Google in this case, dated January 23,

2024.

5. Attached to this declaration as Exhibit 102 is a true and correct copy of excerpts from the transcript of the deposition of Itamar Simonson, expert witness on behalf of Google in this case, taken on February 28, 2024.

6. Attached to this declaration as Exhibit 103 is a true and correct copy of an article titled “Service Brand Relationship Quality: Hot or Cold?,” authored by Wayne D. Hoyer et al., which was used as Exhibit 5 in the deposition of Wayne D. Hoyer, expert witness on behalf of Plaintiffs in this case, taken on March 4, 2024.

7. Attached to this declaration as Exhibit 104 is a true and correct copy of excerpts from the transcript of the deposition of Simon Whitcombe in his capacity as a corporate representative of Meta pursuant to Federal Rule of Civil Procedure 30(b)(6), taken on September 28, 2023.

8. Attached to this declaration as Exhibit 105 is a true and correct copy of excerpts from the transcript of the deposition of Kristy Kozlowski in her capacity as a corporate representative of Comcast pursuant to Federal Rule of Civil Procedure 30(b)(6), taken on September 6, 2023.

9. Attached to this declaration as Exhibit 106 is a true and correct copy of excerpts from the transcript of the deposition of Michael Shaughnessy, Chief Operating Officer of Kargo, taken on August 9, 2023.

10. Attached to this declaration as Exhibit 107 is a true and correct copy of excerpts from the transcript of the deposition of Luke Lambert in his capacity as a corporate representative of Omnicom pursuant to Federal Rule of Civil Procedure 30(b)(6), taken on August 29, 2023.

11. Attached to this declaration as Exhibit 108 is a true and correct copy of excerpts

from the transcript of the deposition of Lt. Col. Lennox Morris, Branch Chief of Paid Media for the Army Enterprise Marketing Office, taken on September 1, 2023.

12. Attached to this declaration as Exhibit 109 is a true and correct copy of excerpts from the transcript of the deposition of Susan A. McMeen in her capacity as a corporate representative of the National Highway Traffic Safety Administration (“NHTSA”), taken on September 26, 2023.

13. Attached to this declaration as Exhibit 110 is a true and correct copy of excerpts from the transcript of the deposition of Christopher Koepke, Director of the Strategic Marketing Group for the Centers for Medicare and Medicaid Services (“CMS”), taken on August 21, 2023.

14. Attached to this declaration as Exhibit 111 is a true and correct copy of excerpts from a presentation titled “DSP Report,” dated 2021, produced by Google in this matter, and bearing Bates Nos. GOOG-DOJ-AT-02524665 to GOOG-DOJ-AT-02524749.

15. Attached to this declaration as Exhibit 112 is a true and correct copy of excerpts from the Rebuttal Expert Report of Wenkee Lee on behalf of Plaintiffs in this case, dated February 13, 2024.

16. Attached to this declaration as Exhibit 113 is a true and correct copy of an article titled “Inefficiencies in Digital Advertising Markets,” authored by Kenneth C. Wilbur et al., which was used as Exhibit 8 in the deposition of Kenneth Wilbur, expert witness on behalf of Plaintiffs in this case, taken on March 1, 2024.

17. Attached to this declaration as Exhibit 114 is a true and correct copy of excerpts from the transcript of the deposition of Wenkee Lee, expert witness on behalf of Plaintiffs in this case, taken on March 6, 2024.

18. Attached to this declaration as Exhibit 115 is a true and correct copy of excerpts

from the transcript of the deposition of Omri Farber in his capacity as a corporate representative of Meta pursuant to Federal Rule of Civil Procedure 30(b)(6), taken on September 18, 2023.

19. Attached to this declaration as Exhibit 116 is a true and correct copy of excerpts from the transcript of the deposition of Benneaser John in his capacity as a corporate representative of Microsoft pursuant to Federal Rule of Civil Procedure 30(b)(6), taken on September 8, 2023.

20. Attached to this declaration as Exhibit 117 is a true and correct copy of excerpts from the transcript of the deposition of Brian O’Kelley, co-founder and former CEO of AppNexus, taken on September 29, 2023.

21. Attached to this declaration as Exhibit 118 is a true and correct copy of excerpts from the Expert Report of Mark A. Israel on behalf of Google in this case, dated January 23, 2024.

22. Attached to this declaration as Exhibit 119 is a true and correct copy of a document titled “Automatic Whitelisting for AWbid,” dated December 2013, produced by Google in this matter, and bearing Bates Nos. GOOG-AT-MDL-012551468 to GOOG-AT-MDL-012551482.

23. Attached to this declaration as Exhibit 120 is a true and correct copy of a document titled “AwBid AdSpam/Publisher Quality Investigation,” dated December 2014, produced by Google in this matter, and bearing Bates Nos. GOOG-AT-MDL-019245435 to GOOG-AT-MDL-019245440.

24. Exhibit 121 is intentionally omitted.

25. Attached to this declaration as Exhibit 122 is a true and correct copy of a document titled “Creating a Competitive Advantage for AdX through Clean Ad Traffic,” dated May 2014, produced by Google in this matter, and bearing Bates Nos. GOOG-DOJ-04156545 to GOOG-DOJ-04156551.

26. Attached to this declaration as Exhibit 123 is a true and correct copy of excerpts from a document titled “Google Ad Exchange Project Romulus,” dated July 2009, produced by Google in this matter, and bearing Bates Nos. GOOG-DOJ-09126262 to GOOG-DOJ-09126287.

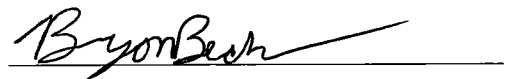
27. Attached to this declaration as Exhibit 124 is a true and correct copy of excerpts from a presentation titled “Header Bidding Observatory #1,” dated January 2017, produced by Google in this matter, and bearing Bates Nos. GOOG-DOJ-AT-01027937 to GOOG-DOJ-AT-01027977.

28. Attached to this declaration as Exhibit 125 is a true and correct copy of a document titled “Google Ads & Data Privacy: Sales Comms,” dated June 2018, produced by Google in this matter, and bearing Bates Nos. GOOG-DOJ-12570257 to GOOG-DOJ-12570266.

29. Attached to this declaration as Exhibit 126 is a true and correct copy of a document titled “Long-term strategy to address ad fraud,” dated September 2017, produced by Google in this matter, and bearing Bates Nos. GOOG-DOJ-12508049 to GOOG-DOJ-12508069.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on the 17th of May, 2024, in Washington, D.C.

A handwritten signature in black ink, appearing to read "Bryon Becker", is written over a horizontal line.

Bryon P. Becker